

UNITED STATES DISTRICT COURT **Jan 08, 2019**

SEAN F. McAVOY, CLERK

EASTERN DISTRICT OF WASHINGTON

PURCELL D. TOSTON, JR.,

Plaintiff,

v.

LEWIS COUNTY COMMISSIONER'S  
OFFICE, LEWIS COUNTY  
COURTHOUSE and LEWIS COUNTY  
COURT OF LAW,

Defendants.

4:18-CV-05170-SAB

**ORDER DENYING LEAVE TO  
PROCEED IN FORMA  
PAUPERIS, DISMISSING  
COMPLAINT WITHOUT  
PREJUDICE AND CLOSING  
FILE**

By Order filed December 11, 2018, the Court instructed Mr. Toston to provide a certified copy of his six-month inmate trust account statement (or institutional equivalent) for the period immediately preceding October 24, 2018, ECF No. 15 at 2.<sup>1</sup> The Court further instructed Plaintiff to provide a signed Acknowledgment and Authorization form acknowledging the \$350.00 debt to

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<sup>1</sup> A typographical error appears on page 3 of the Order, directing Plaintiff to submit a certified copy of his six-month inmate trust account statement for the period immediately preceding July 26, 2018. This was in error as the complaint was not received until October 24, 2018. Regardless, Plaintiff has not provided a certified copy of his account statement for the period immediately preceding the submission of his complaint on October 24, 2018.

**ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS,  
DISMISSING COMPLAINT WITHOUT PREJUDICE AND CLOSING  
FILE -- 1**

1 proceed with this action under 28 U.S.C. § 1915(b). The Court warned that failure  
2 to provide this information would result in this file being closed.

3 On December 21, 2018, Mr. Toston supplied documents titled “TRUST  
4 ACCOUNT STATEMENT” that do not provide information for the six months  
5 immediately preceding the receipt of his complaint on October 24, 2018. Rather,  
6 they provide only a smattering of account activity in November and December  
7 2018, and in June, July and August 2018. These documents do not comply with  
8 the Court’s directive or the instruction in the initial letter from the Clerk of Court  
9 that Plaintiff provide a “PLRA Statement.” Therefore, having failed to comply  
10 with the filing fee requirements mandated by 28 U.S.C. § 1915(a)(2), **IT IS**  
11 **ORDERED** the application to proceed *in forma pauperis* is **DENIED**.

12 Because Plaintiff did not pay the full \$400.00 filing fee to commence this  
13 action, **IT IS ORDERED** the complaint is **DISMISSED without prejudice**. The  
14 Clerk’s Office shall **CLOSE** this file and no further action will be taken.

15 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
16 enter judgment, and provide copies to Plaintiff. The Court certifies any appeal of  
17 this Order would not be taken in good faith.

18 **DATED** this 8<sup>th</sup> day of January 2019.



23 A handwritten signature in blue ink that reads "Stanley A. Bastian".

24  
25 Stanley A. Bastian  
26 United States District Judge  
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**ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS,  
DISMISSING COMPLAINT WITHOUT PREJUDICE AND CLOSING  
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